

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## ASSEMBLY BILL

**No. 487**

---

**Introduced by Assembly Member Brownley**

February 24, 2009

---

An act to amend Sections 60510 and 60511 of, to add Section 60510.1 to, and to add Article 8 (commencing with Section 60120) to Chapter 1 of Part 33 of Division 4 of Title 2 of, the Education Code, relating to instructional materials.

### LEGISLATIVE COUNSEL'S DIGEST

AB 487, as amended, Brownley. Instructional materials: sale of surplus or undistributed obsolete instructional materials.

(1) Existing law establishes the State Instructional Materials Fund in the State Treasury as a means of annually funding the acquisition of instructional materials as required by the California Constitution. The State Instructional Materials Fund is continuously appropriated to the State Department of Education.

This bill would establish the Surplus Instructional Materials Fund under the administration of the Superintendent of Public Instruction. The bill would provide that the moneys in the Surplus Instructional Materials Fund would be available, subject to appropriation, for allocation for the purpose of allowing school districts, county offices of education, and charter schools to acquire supplemental instructional materials *or technology-based materials*. The bill would require that any deposit made into the Surplus Instructional Materials Fund, and the allocation of any moneys from this fund, including the subsequent use of those moneys, be subject to the annual audit of local educational agencies required by existing law.

(2) Existing law authorizes the State Board of Education and school districts to dispose of surplus or undistributed obsolete instructional materials that are usable for educational purposes, to specified entities, including by sale to any organization that agrees to use the materials solely for educational purposes and to make no charge of any kind to the persons to whom the organization gives or lends the materials.

This bill would also authorize county offices of education and charter schools to dispose of surplus or undistributed obsolete instructional materials under these provisions. The bill would delete the provision requiring the organization to agree to use the materials for educational purposes. The bill would require that 50% of the proceeds of any sale of surplus or undistributed obsolete instructional materials made under these provisions to be remitted to the state and deposited in the Surplus Instructional Materials Fund *and that the remaining 50% be available for school districts, county offices of education, and charter schools to acquire basic instructional materials, supplemental instructional materials, or technology-based materials.* The bill would also delete a provision requiring the organization to certify that it agrees to use the materials for educational purposes and make no charge to the persons to whom the organization gives or lends the materials.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 8 (commencing with Section 60120) is  
2 added to Chapter 1 of Part 33 of Division 4 of Title 2 of the  
3 Education Code, to read:

4  
5 Article 8. Surplus Instructional Materials Fund

6  
7 60120. (a) The Surplus Instructional Materials Fund is hereby  
8 established in the State Treasury under the administration of the  
9 Superintendent.

10 (b) All moneys in the Surplus Instructional Materials Fund are  
11 available, subject to an appropriation in the annual Budget Act or  
12 in another statute and in accordance with provisions that may be  
13 attached to that appropriation, for allocation by the Superintendent  
14 for the purpose of allowing school districts, county offices of

1 education, and charter schools to acquire supplemental instructional  
2 materials *or technology-based materials*.

3 (c) All moneys that are allocated from the Surplus Instructional  
4 Materials Fund pursuant to this article shall be counted toward  
5 satisfaction of the minimum funding obligation required by Section  
6 8 of Article XVI of the California Constitution.

7 (d) All moneys that are appropriated from the Surplus  
8 Instructional Materials Fund shall supplement, rather than supplant,  
9 existing funds available for instructional materials.

10 (e) Any deposit made into the Surplus Instructional Materials  
11 Fund, and the allocation of any moneys from this fund, including  
12 the subsequent use of those moneys, shall be subject to the annual  
13 audit conducted pursuant to Section 41020.

14 SEC. 2. Section 60510 of the Education Code is amended to  
15 read:

16 60510. The state board, the governing board of a school district,  
17 a county office of education, or a charter school may dispose of  
18 surplus or undistributed obsolete instructional materials ~~in their~~  
19 *its* possession that are usable for educational purposes in any of  
20 the following ways:

21 (a) By donation to a governing board, county free library, or  
22 other state institution.

23 (b) By donation to a public agency or institution of any territory  
24 or possession of the United States, or the government of a country  
25 that formerly was a territory or possession of the United States.

26 (c) By donation to a nonprofit charitable organization.

27 (d) By donation to children or adults in the State of California,  
28 or foreign countries for the purpose of increasing the general  
29 literacy of the people.

30 (e) By sale.

31 SEC. 3. Section 60510.1 is added to the Education Code, to  
32 read:

33 60510.1. Fifty percent of the proceeds of any sale of surplus  
34 or undistributed obsolete instructional materials made pursuant to  
35 subdivision (e) of Section 60510 shall be remitted to the state and  
36 deposited in the Surplus Instructional Materials Fund established  
37 pursuant to Article 8 (commencing with Section 60120) of Chapter  
38 1. *The remaining 50 percent of the proceeds of any sale of surplus*  
39 *or undistributed obsolete instructional materials made pursuant*  
40 *to subdivision (e) of Section 60510 shall be available for school*

1 *districts, county offices of education, and charter schools to acquire*  
2 *basic instructional materials, supplemental instructional materials,*  
3 *or technology-based materials.*

4 SEC. 4. Section 60511 of the Education Code is amended to  
5 read:

6 60511. Any organization, agency, or institution receiving  
7 obsolete instructional materials donated pursuant to the provisions  
8 of this article shall certify to the governing board of the school  
9 district, the county board of education, or the principal or chief  
10 executive officer of the charter school, as appropriate, that the  
11 ~~materials will be used for educational purposes~~ *it agrees to make*  
12 *no charge of any kind to the persons to whom the organization*  
13 *gives or lends those materials.*